

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

RONALD MACK FLYNN,	)	
	)	
Petitioner,	)	
	)	
v.	)	1:14CV812
	)	
DANNY HAYES,	)	
	)	
Respondent.	)	

**ORDER**

On September 23, 2014, the United States Magistrate Judge's Recommendation was filed and notice was served on the parties pursuant to 28 U.S.C. § 636. (Docs. 2 and 3.) Petitioner timely filed objections (Doc. 4) to the Recommendation.

This court has appropriately reviewed the portions of the Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's Recommendation. This court therefore adopts the Recommendation.

**IT IS HEREBY ORDERED** that this action be, and is hereby, dismissed without prejudice to Petitioner filing a new petition, correcting the defects set out in the Order and Recommendation. The Clerk is instructed to return the \$5.00 filing fee to Petitioner. A Judgment dismissing this action will be entered contemporaneously with this Order.

This the 5th day of January, 2015.

*William L. Ostun, Jr.*

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United States District Judge